



Manual of Surveying Instructions: The Next Edition

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It is interesting to note that the Office of County Surveyor is one of the very few governmental offices that pre-date the Federal system of surveying the public domain. Enacted by the Congress of the Confederation, the Land Ordinance of May 20, 1785 laid the corner stone for the survey and settlement of the public domain.

The Public Land Survey System (PLSS) is the foundation for more land transactions covering more area than any other land tenure system. It has been tested with the fire of time with efficient practicality for over 200 years. It has survived and thrived as the premier system ever devised, acting as the equitable foundation, insuring the domestic tranquility of our society.

With this plan of survey, Congress created a system unique in that no pattern for it existed anywhere else in the world. The plan developed three new theories in land administration. First, the principle of “survey before settlement”; second, the principle of a mathematically designed

plan to be followed throughout the entire area of the public domain; and third, the creation of a standard land unit, the section, of uniform shape and area and with boundaries physically marked on the ground.

The Manual of Instructions for the Survey of the Public Lands of the United States (Manual) describes how cadastral surveys of the public lands are made in conformance to statutory law and its judicial interpretation. The rules governing the survey of the public lands were issued in manuscript and in printed circulars from the beginning. Previous editions of the Manual were issued in 1855 (reprinted in 1864 and 1871), 1881, 1890, 1894, 1902, (1919 and 1928 Advance Sheets), 1930, and 1947, with the current edition issued in 1973.

The Manual has been revised over the years with a view of harmonizing the printed instructions with current legislation, judicial and administrative decisions, and current surveying practice. Since 1973, much has happened in law and policy in defining boundaries of the public lands. Although the laws, policies and controlling cases are public, there is no system for their compilation; therefore they are not readily available to

practitioners. The next edition of the Manual will include a discussion of the law and policies of surveying and boundaries as they have developed since 1973.

Probably the most obvious change for the next edition of the Manual from previous editions will be the lack of discussion on technology and how to measure. Historically the Manual was developed in an era of few technical treatises dealing with the unique characteristics of the PLSS. It was important that the Manual gave detailed instructions on astronomical observations and adjustments of survey instruments, because surveyors were sent into remote areas without easy means to communicate with the office. Currently, surveyors have access to numerous treatises on measurements, and easy access to the office for further instructions when necessary.

The primary focus of the next edition of the Manual is the explanation of the law and policies of surveying and boundaries. Land surveyors are the first line of protection for private property rights. Surveys must be legally correct, therefore the Manual is issued to guide land surveyors who exercise a technical responsibility in

the execution of cadastral surveys or resurveys.

The Manual is of interest to county, mineral, and local surveyors, attorneys, title insurance company personnel, real estate

agents, and others who have professional interests in land as defined by the PLSS. Thirty states have been created out of the public domain. Indian lands are to be surveyed as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed. The Manual sets out the field and office procedures to be followed in the execution of mineral surveys.

It is important to remember that in most cases where no Federal or Indian trust lands are involved, the methods and explanations of the BLM must be regarded as advisory only, as the BLM is generally without jurisdiction unless Federal or Indian trust lands are involved. The BLM does not instruct the county or local surveyor how to survey. However, if the surveyor goes out to survey land that was originally surveyed using the PLSS, even if the client is a private land owner, the Manual gives instruction on how to protect the private rights of that land owner. It is important not to confuse the ownership of the land with the way the land was originally surveyed and described. Land built on the PLSS may be privately held today but the principles in the Manual may still apply.

The Bureau of Land Management (BLM) believes in the importance of informing the affected entities and individuals as the next edition of the Manual is being prepared. The BLM and the Department of the Interior have yet to finalize the public participation process. There are many administrative details yet to be worked out in this multiyear endeavor. A web site; <http://www.blm.gov/cadastral/Manual/nextedition.htm> has been established to provide information on the progress of the next edition. Interested persons can track the progress via the Next Edition web site.

Currently, the next edition of the Manual is expected to be ready for distribution before the end of the 2005 calendar year. County Surveyor's input is critical. Would the County Surveyors endorse a Manual that is a hard bound book, with a word searchable CD in the back jacket, and a word searchable electronic version on the web? Would the County Surveyors take under advisement, the development of a model law, rule or ordinance for those states and counties which have or desire to incorporate the Manual into their statutes, rules or ordinances?

The BLM, an agency of the U.S. Department of the Interior, manages more land – 262 million surface acres – than any other Federal agency. Most of the country's BLM managed

public land is located in 12 Western states, including Alaska. The Bureau, which has a budget of \$1.8 billion and a workforce of 10,000 employees, also administers 700 million acres of sub-surface mineral estate throughout the Nation. The BLM's "multiple use" mission is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. The BLM accomplishes this by managing for such resources as outdoor recreation, livestock grazing, and energy and mineral development that helps meet the nation's energy needs, and by conserving natural, historical, cultural, and other resources on the public lands. Additionally, the BLM is responsible for surveying Federal and Indian lands, and manages the survey and title records of the 1.8 billion acres of public domain, private land claims, and Indian lands.

Cadastre – An official register of the quantity, value, location, and ownership of real estate used in apportioning taxes.

Cadastral – of or relating to a cadastre; showing or recording property boundaries, subdivision lines, buildings, and related details.

Cadastral Survey - creates (or reestablishes), marks, and defines boundaries of tracts of land, all subject to approval of the Director, Bureau of Land Management.